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No advertisement, reflecting upon private character, can, under any circumstances, be admitted.

Wilmington Journal

WILMINGTON, N. C. FRIDAY MORNING, JULY 30, 1869.

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RATES OF ADVERTISING
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"Fresh as a Maiden's Blush"
This pure peach complexion which follows the use of Ayer's Cathartic Pills, is the true mark of beauty. Fair-skinned ladies in every country and clime, who desire to retain the bloom of youth, and to have their complexions clear and bright, should use this medicine. It is a safe and reliable remedy for all cases of constipation, and will keep the system in perfect health. It is sold by all druggists and dealers in medicine.

Ayer's Cathartic Pills.

For the cure of constipation, biliousness, headache, and all disorders of the bowels.

Perhaps no one medicine is so universally required by every body as a cathartic. It is a safe and reliable remedy for all cases of constipation, and will keep the system in perfect health. It is sold by all druggists and dealers in medicine.

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STATE NEWS

John B. Griswold died at his residence in this town yesterday morning, at one and a half o'clock, after a long and painful illness. His sufferings were great until death came to his relief.

Craven Street Jail.—There are thirty-eight prisoners in Craven street jail, four of which are females. Several have been discharged within a few days, and the sentence of many more will expire during this and next week. —Newbern Times.

The first cotton bolls opened, were shown to us yesterday by Capt. J. W. Potter, from Potter & Hume's "Wildwood" plantation. This places Craven county ahead, it being the first open cotton bolls reported. —Newbern Times.

We learn that Bozier's "melish" acted very badly while on the train coming up from Newbern yesterday morning. A collision between some of the "melish," who were under the influence of "benzene," and one or two citizens was only prevented by the timely interference of Bozier himself. —Goldsboro Mass.

SUPREME COURT.—Tuesday, July 20th. Court met at the usual hour; all the Justices present.

In *Hyman vs. Devereaux*, from Halifax, order of judgment below vacating judgment, affirmed. Part of order which directs the surplus to be paid into Court, reversed.

In *Mary McLaurin, ex parte*, from New Hanover, dismissed. —Hal. Sentinel.

THE CROPS.—EDGECOMBE FARMERS.—The reports from our farmers are encouraging in the highest degree. On Tuesday we had the pleasure of meeting in our office and on the streets a large number of the best of Edgecombe's planters, and from all did we hear the most satisfactory accounts of the condition of their crops.

It is idle boasting to say that Edgecombe is regarded as the banner agricultural county of North Carolina, and that the opinions of her experienced farmers are looked to with considerable interest throughout the entire State.

A MEAN SNEAK.—Sometime during last week a contemptible sneak thief broke through the windows of the Episcopal Church, at this place, and carried away the altar cloth, which was attached to the wall near one of the inner entrances. The box was the receptacle for the pious offerings of the congregation from Tarboro.

The thief, who was a negro, was seen by Mr. H. E. Scott, who had ridden up a few minutes previous, and who at once pulled the negro off. A warrant has been issued by Justice McGuire for the arrest of the thief. —Daily Journal 25th.

WORK ON THE WILLIAMSTON & TARBORO RAILROAD.—The different contractors upon this Road are pushing their work rapidly forward.

There are now two hundred hands actively employed, who have, at various points along the line, fully graded about five miles. Between this point and Bethel are employed one hundred, and grading is finished there, and the road is now open to the cars.

Mr. H. D. Robison, at Robesonville, has about thirty, who have finished two miles, and a force of fifty at Williamston has pushed the work more than five miles from that place.

A much larger force will probably soon be put upon the Road, and work will be then going on at every point of the line.

TARBORO MEETING.—The annual meeting of the stockholders of the Chatham Railroad Company was held at the office of the Company at Raleigh on Monday, the 20th inst., and was organized by calling Col. John L. Morehead of Charlotte, to the chair, and appointing Joseph B. Batchelor and W. W. Vass secretaries.

The committee on Proxies reported that a large majority of the stock of the company was represented in person and by proxy.

The report of the President and Board of Directors, Treasurer, and of C. A. Sanford, Chief Engineer, were severally read and accepted.

The act of the last General Assembly, entitled "to enable the Chatham Railroad Company to complete its Road," ratified the 10th day of April, 1869, was unanimously accepted and adopted as a part of the charter of this company.

The following gentlemen were elected Directors for the ensuing year, namely: Dr. W. W. Hawkins, Geo. W. Morehead, Jos. B. Batchelor, Geo. Little, S. S. Roper, C. H. K. Taylor and Jos. B. Littlejohn.

At a meeting of the Board of Directors, held after the adjournment of the stockholders' meeting, Dr. W. J. Hawkins was re-elected President, and W. W. Vass, Treasurer. —Hal. Sentinel.

SUPREME COURT.—Wednesday July 21st. All the Justices present.

Opinions were delivered as follows: By Pearson, C. J. —In *Newlin vs. Murray*, from Albemarle, judgment affirmed.

In *State vs. Wiseman*, from McDowell, appeal dismissed.

In *McAdoo vs. Benbow*, from Guilford, judgment reversed. Rodman, J. dissenting.

In *Peelies vs. Peelies*, from Wake, judgment reversed and new trial.

By Dick, J. —In *Mason vs. Miles*, from Northampton, error, injunction vacated.

In *Stany vs. Muscigill*, from Johnston, reversed.

In *Crocker, ex parte* from Wake, decree declaring rights.

CONSTITUTIONALITY OF THE HOME-STEAD ACT.

Opinion of the Supreme Court in the Case of Hill vs. Kester, from Rowan, delivered by Judge Rodman.

The question involved in this case is whether the provision in our State Constitution exempting certain property from execution sale impairs the obligation of pre-existing contracts.

The provision in the Constitution is as follows: Art. X. Sec. 1. The personal property of any resident of this State to the value of five hundred dollars, to be selected by such resident, shall be exempt from execution from sale under execution or other final process of any Court issued for the collection of any debt.

Sec. 2. Every homestead and the dwelling and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, &c., shall be also exempted.

There has been suitable legislation to carry out said provision.

We concede that if this exemption impairs the obligation of contracts, either expressly or by implication, it is against the Constitution of the United States and therefore void.

The obligation of a contract is the duty of its performance according to the terms thereof. Any act which alters its terms, or enables either party, without the consent of the other to alter or evade its terms, impairs its obligation, and is, therefore, void. A promise to pay to B \$100 on a given day. An act requiring him to pay a day earlier, allowing him to pay a day later, would alter the terms as to time and thereby impair the obligation.

It is not necessary to say that the exemption of the homestead from execution, which we are now considering, is a law which alters the terms of a contract, and thereby impairs its obligation, and is, therefore, void.

We concede, also, that a contract must be understood to be made with reference to the law in force at the time it is made. And if, at the time of the contract, there are laws in existence for its enforcement, it is the same as if the State were to say to the parties, there are now and so there shall continue to be, laws to enable each party to enforce the contract. And after such assurance, if the State should, by a subsequent law, change the remedy, it would violate of the Constitution of the United States and therefore void.

The contract in this case was made before the constitutional exemption, and therefore, when the debtor agreed to pay the debt, he agreed to pay it according to the law in force at the time he made the contract. So an act requiring him to pay \$90 would alter the terms as to the amount, &c.

It was to be seen, that the question involved was not that of impairing the obligation of contracts, under the Constitution of the United States; but of destroying liens and invading vested rights, under the Constitution of South Carolina.

The Legislature of South Carolina, in passing the Homestead Act, did not intend to destroy the liens and vested rights of the creditors of the State, but to protect the homestead from execution.

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Pruning Tomatoes.

It is stated that gardeners in France cut off the stem of the tomato plants down to the first cluster of flowers which appears on them, thus impelling the sap into the buds below the cluster, which pushes up vigorously, producing another cluster of flowers. "When these are visible, the branch to which they belong is also topped down to their level; and this is done five times successively. By this means the plants become short dwarf bushes, not over eighteen inches high. In order to prevent them from falling over, sticks or strings are stretched horizontally along the rows, to which the plants are then topped down to their level; and this is done five times successively. By this means the plants become short dwarf bushes, not over eighteen inches high. In order to prevent them from falling over, sticks or strings are stretched horizontally along the rows, to which the plants are then topped down to their level; and this is done five times successively. 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